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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,536	02/21/2002	Stefan Berger	YOR920010762US2	5938
54856	7590	12/09/2005	EXAMINER	
LOUIS PAUL HERZBERG 3 CLOVERDALE LANE MONSEY, NY 10952			GREENE, DANIEL L	
		ART UNIT		PAPER NUMBER
				3621

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/082,536	BERGER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Daniel L. Greene	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,7-25,30,42,46 and 47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,7-25,30,42,46 and 47 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date, <u>11/21/2005</u> .                                  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/24/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 42, 46 and 47 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 42, 46 and 47 describe a computer usable medium having computer readable program code to affect the function/steps of Claims 1 and 30. The Examiner submits that placing the methods of Claims 1 and 30 (Claims 1 and 30 performs the same functions) does not further limit the claims. The methods/functions of the two claims would be accomplished regardless of the medium the instructions were stored upon.

Claim 9 objected to because of the following informalities: Claim 9 is shown as dependent on the withdrawn claim 5. It was suggested that the dependency is to claim 3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg U.S. Patent 6,879,963 B1 [Rosenberg].

As per claims 1 and 30:

Rosenberg discloses:

routing a first portion of information to a first device and at least one other portion of information to at least one other device in response to a user's query, said method including: for example Col. 4, lines 10-40.

receiving said query and identifying said user's meeting a first identification criterion, for example Col. 3, lines 15-30.

forming identification when said first identification criterion is met; for example Col. 3, lines 30-45.

forwarding said first portion of information to said first device and said at least one other portion of information to said at least one other device. for example Col 4, lines 12-55.

Rosenberg discloses the claimed invention except for employing said identification in forming said first portion of information and said at least one other portion of information. It would have been obvious to one having ordinary skill in the art, at the time of the invention was made, to employ said identification in forming said first portion of information and said at least one other portion of information since it is known in the art that during a transaction, the identification established for the buyer is incorporated into all the actions of the transaction such that verification can be done on

the actions taken by tying them together with a common identifying number unique to the transaction.

As per claim 2:

Rosenberg further discloses:

wherein said step of identifying is performed by an identifier, and step of employing is performed by a respondent server. For example Col. 3, lines 2-30.

As per claim 3:

Rosenberg further discloses:

wherein said first device is a user device employed in making said query, and said step of identifying includes identifying said user device employing identification criteria. For example Col. 3, lines 25-35.

As per claim 4:

Rosenberg further discloses:

A method as recited in claim 3, wherein one of said identification criteria is a criterion selected from a group of criteria including: identifying a device identification; identifying a device group identification; identifying a user identification, identifying a user group identification; authenticating user of said device by user identification and password; employing a verification signature included in said query; employing an RFID

tag; employing a 3rd party mechanism; and any combination of said criterion. For example Col. 3, lines 25-45.

As per claim 7:

Rosenberg further discloses:

comprising a first entity supplying said first device to a user. For example Col. 3, lines 10-15.

As per claim 8:

Rosenberg further discloses:

wherein said first entity is a business and said user is a customer. For example Col. 3, lines 10-15.

As per claim 9:

Rosenberg further discloses:

said user employing said first device in a session; and associating said user for said session employing said verification. For example Col. 3, lines 15-35.

As per claim 10:

Rosenberg further discloses:

wherein said respondent server is. also said identifier. for example Col. 4, lines 40-55.

As per claim 11:

Rosenberg further discloses:

wherein said step of receiving said query [and identifying] said user's meeting a first identification criterion, includes at least one step from a group of steps including: user pre-registering query; utilizing user criteria; selecting a hyper-link; sending mail.

For example Col. 4, lines 30-45.

As per claim 12:

Rosenberg further discloses:

wherein said first portion of information includes private user information and said at least one other portion of information includes public information. For example Col. 3, lines 12-25.

As per claim 13:

Rosenberg further discloses:

wherein content included in said first portion of information and/or included in said at least one other portion of information is based on a preference criterion. For example Col. 5, lines 1-20.

As per claim 14:

Rosenberg further discloses:

wherein said preference criterion is a criterion selected from a group of criteria including: security level; user profile; user data; user history; preferred customer status; user affiliation; user service level association; time of day; day of year, religion; ethnic background; national background; gender; sexual orientation; demographic information; context; inventory, classification level; and any combination of the above criterion. For example for example Col. 5, lines 1-15.

As per claim 15:

Rosenberg further discloses:

changing preference criteria dynamically. For example Fig. 5.

As per claim 16:

Rosenberg further discloses:

wherein said step of changing preference criteria is performed dynamically during a session. For example Fig. 5.

As per claim 17:

Rosenberg further discloses:

wherein preference criteria change dynamically during a session by a user. For example Fig. 5.

As per claim 18:

Rosenberg further discloses:

forming a user profile database for a plurality of users. For example Col. 5, lines 15-45.

As per claim 19:

Rosenberg further discloses:

forming a user profile database for a plurality of users based on said preference criteria. For example Col. 5 lines 15-45.

As per claim 20:

Rosenberg further discloses:

wherein said step of forming is repeated in accordance with a database update criterion. For example Col. 5, lines 15-45.

As per claim 21:

Rosenberg further discloses:

wherein said database update criterion is a criterion selected from a group of criteria including:

change of preference criteria by user; change of identification criteria; information, access; change of context; and any combination of the above criterion . For example Col. 5, lines 15-35.

As per claim 22:

Rosenberg further discloses:

wherein said step of forming an identification when said first identification criterion is met, includes:

identifying user; and

associating said user with said user profile. For example Col. 5, lines 15-35.

As per claim 23:

Rosenberg further discloses:

wherein said step of forming an identification when said first identification criterion is met, includes:

identifying user;

associating said user with said identification criterion; for example Col. 5, lines 15-25.

As per claim 24:

Rosenberg further discloses:

wherein said step of forming an identification when said first identification criterion is met includes:

associating said identification criterion with user profile. For example Col. 5, lines 14-34.

As per claim 25:

Rosenberg further discloses:

wherein said step of employing said identification in forming said first portion of information and said at least one other portion of information, includes:

creating rules for forming said first portion and said at least one other portion based on said preference criteria; For example Col. 3, lines 25-35, Col. 5, lines 1-35.

employing said rules to form said first portion and said at least one other portion; for example Col. 3, lines 25-35, Col. 5, lines 1-35.

As per claim 42:

Rosenberg discloses:

An article of manufacture comprising a computer usable medium having computer readable program code means embodied therein for causing information routing, the computer readable program code means in said article of manufacture comprising computer readable program code means for causing a computer to effect the steps of claim 1. For example Col. 6, lines 24-35.

As per claim 46:

Rosenberg discloses:

A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for information routing, said method steps comprising the steps of claim 1. For example Col. 6, lines 24-35.

As per claim 47:

Rosenberg discloses:

A computer program product comprising a computer usable medium having computer readable program code means embodied therein for causing routing, the computer readable program code means in said computer program product comprising computer readable program code means for causing a computer to effect the functions of claim 30. For example Col. 6, lines 24-35.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene  
Examiner  
Art Unit 3621

11/23/2005

  
SALVATORE CANGIALOSI  
PRIMARY EXAMINER  
ART UNIT 222